

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LONNIE L. JACKSON,

Plaintiff,

ORDER

v.

10-cv-212-slc

J. SMITH, *et al.*

Defendants.

LONNIE L. JACKSON,

Plaintiff,

ORDER

v.

10-cv-425-slc

DR. MURPHY and R.N. WENDY C,

Defendants.

Plaintiff, a prisoner at the Waupun Correctional Institution is proceeding *in forma pauperis* on these lawsuits. Plaintiff has moved for an order directing prison officials to pay the remaining balance of the filing fees and other legal costs in these cases from his release account. I am denying this request.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the \$350 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20% of the preceding month's income in accordance with 28 U.S.C. § 1915(b)(2). On April 20, 2010, this court entered an order assessing plaintiff a \$1.07 initial partial payment of the filing fee on each of these cases, which plaintiff paid on April 27, 2010 in case 10-cv-212-slc and on August 13, 2010 in case 10-cv-425-slc.

Although this court admires plaintiff's initiative, I cannot order the state to allocate plaintiff's release account funds in the manner he requests. The language of 28 U.S.C. § 1915(b)(1) suggests that prison officials are required to use a prisoner's release account to satisfy

an *initial partial payment* if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of such initial partial payments, this court does not have the authority to tell state officials whether, and to what extent, a prisoner should be able to withdraw money from his release account. Because plaintiff cannot use his release account funds to pay the remaining balance of the \$350 filing fee or for his expenses in pursuing his claims, I will deny his motion.

ORDER

IT IS ORDERED that plaintiff's motion for an order directing prison officials to pay the remainder of his filing fee and legal expenses from his release account for cases 10-cv-212 and 10-cv-425 is DENIED.

Entered this 31st day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge